

21



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,769	02/03/2000	Tomotaka Yamazaki	SONYJP3.0-098	6673

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LERNER, DAVID, LITTENBERG,
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EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/496,769	Applicant(s) YAMAZAKI ET AL.	
	Examiner Reuben M. Brown	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-12,16-22,26-32 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-12,16-22,26-32 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-12, 16-22, 26-32 & 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenburg (U.S. Pat # 5,894,516), and Slivka, (U.S. Pat # 6,049,671), in view of Krishnamoorthy, (U.S. Pat # 5,790,753).

Considering claim 1, the instant claim recites a method of transmitting data from a transmission apparatus to one of a plurality of receiving terminals, comprising transmitting unique terminal information as a destination of transmission and an update program to change the processing of the receiving terminal, such that the unique terminal information is converted into unique terminal information comprising a key ID and the converted unique terminal information is transmitted to one of the receiving terminals. Brandenburg teaches that when a customer (i.e., target computer 18) orders software over a network, a software distribution center

Art Unit: 2611

transmits encryption key, see Abstract; col. 3, lines 35-40, which corresponds with the claimed subject matter.

The claimed feature of receiving and authenticating authentication data associated with a receiver terminal is met by the disclosure in Brandenburg that when the customer orders a particular software package, the customer gives his identification code to the operator receiving the instant order, col. 3, lines 30-34.

As for the amended claimed feature that the unique terminal identification information is selected in a manner that is unrelated to the authentication data, Brandenburg teaches that the encryption key is generated using the ID code of the terminal. However, Slivka, which is in the same field of endeavor, teaches transmitting software updates to a costumer terminal using the well-known RSA encryption scheme, (col. 9, lines 23-25 & col. 17, lines 6-25). It would have been desirable for one of ordinary skill in the art at the time the invention was made to modify Brandenburg to utilize the RSA algorithm as taught by Slivka, at least for the well known benefit of a more robust encryption process (1024 bit number) using a random number generator, which is more secure and less able to be cracked by a hacker.

The additionally claimed feature of updating the processing of one of the receiving terminals by including receiving at the receiving terminal the unique terminal information and the update program, reads on col. 3, lines 38-64; col. 4, lines 20-41 & Fig. 2. The cited portions

Art Unit: 2611

of Brandenburg teach that the encryption key is used to decrypt information by the target computer 18.

Examiner notes that Fig. 2 of the instant reference shows a flow chart listing blocks numbered from 60-86. However, the blocks in Fig 2 correspond directly with the block numbers 30-56 discussed in col. 3 & col. 4. For instance, block 60 of Fig 2 corresponds with block 30 in col. 3, and likewise block 70 of Fig. 2 corresponds with block 40 in col. 3.

As for the amended claimed feature of returning the converted unique terminal information comprising a key ID to the unique terminal information, the claimed subject matter reads on the operation of Brandenburg that the target computer 18 only looks at the encrypted data that is transmitted with the same ID code as its own. Thus the target computer has to extract its unique terminal information ID from the data that is transmitted in order to retrieve only the data that is addressed to itself.

The claimed step of storing the converted unique terminal information comprising a key ID to the unique terminal in a storage location after the returning step reads on the disclosure that the target computer 18 stored the key ID for decrypting the software to be downloaded, col. 3, lines 55-58.

Regarding the additional feature of communicating between the receiving terminal and the transmission apparatus, via the Internet, Brandenburg does not discuss IP transmission.

Art Unit: 2611

Nevertheless, Krishnamoorthy which is in the same field of endeavor teaches transmission of IP data, see col. 5, lines 50-67 thru col. 6, lines 1-15. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Brandenburg with the feature of IP transmission, at least for the desirable benefit of providing a wider range of data to the subscribers.

Considering claims 2, 12, 22 & 32, the claimed subject matter is broad enough to read on the disclosure in Brandenburg of the target computer 18 requesting new versions of software applications that have already been downloaded, col. 4, lines 8-14.

Considering claims 6, 16, 26 & 36, Brandenburg uses a satellite transmission system; see Fig. 1; col. 2, line 1 & col. 2, lines 35-40.

Considering claims 7, 17, 27 & 37, Brandenburg teaches that the data may be transmitted using TCP/IP technology or an e-mail; see col. 3, lines 51-52 col. 4, lines 1-4.

Considering claims 8, 18, 28 & 38, Brandenburg only discloses satellite transmission. Official Notice is taken that at the time the invention was made, data transmission using terrestrial networks was known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Brandenburg to optionally utilize terrestrial networks, at least for the desirable advantage of a technology in more common use, since

Art Unit: 2611

satellite transmission requires the customers to have a satellite dish, which is not as common as TV antennas.

Considering claims 9, 19, 29 & 39, Brandenburg does not state that some of the software downloaded would be displayed on a display device. However, Slivka teaches that among the various types of software that may be downloaded to a customer, an Internet browser may also be downloaded, which would cause the downloaded data to be displayed, see col. 11, lines 55-67 thru col. 12, lines 1-5. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Brandenburg in a manner that at least some the software applications downloaded to the target computer 18 would cause images to be displayed on the display screen, since some of the software applications likely to be requested by customers would operate content that requires a display feature, such as graphical user interface technology.

Considering claims 10, 20, 30 & 40, the claimed subject matter reads on Brandenburg, col. 2, lines 55-64.

Considering claims 11, 21 & 31, the claimed system, receiving system and method of receiving data comprises elements that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Art Unit: 2611

Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

Reuben Brown
REUBEN M. BROWN
PATENT EXAMINER